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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,381	09/29/2000	Rezaur Rahman	042390P8797	1947

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,381

Applicant(s)

RAHMAN, REZAUR

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-32 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-32 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/08/05 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 17-23, 25-32, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Remark

3. Claims 1-16, 24, and 33-34 were canceled. Pending claims are claims 17-23, 31-32 and 35 for examination.

Claim Rejections - 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 17-23, 31-32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Holden (U.S. Patent No. 6,771,639 B1).

Regarding claim 17, Holden discloses a source transmitter (Fig. 1 for Session Initiation Protocol SIP system, and col. 1/lines 40-56 for SIP & IETF standards), comprising: an interface to a communications link, a memory, and a logic circuit to transmit an announcement comprises an attribute to announce metadata that provides information about at least one available video program or enhancement to be received at a client receiver, i.e., the SIP communicates with a client system or to another SIP system (as shown in Figs. 1, 2 or 5) via data communication link using network interface 102 as an interface for communication link, the source transmitter or the first SIP transmits data information including an announcement or invitation including metadata information to the other SIP receiver (Fig. 3 for a message including an attribute for an announcement, and col. 5/lines 7-58 & col. 6/line 54-col. 7/line 10); furthermore, the message can be additional information or announcement about a video program (col. 7/lines 10-35 & col. 8/lines 50-62). In addition, Figure 2 shows a SIP element with a digital signal processor DSP as

a logic circuit for processing data information, a storage device 134 as a memory for storing information data.

As for claims 18, Holden further discloses “wherein said announcement conforms to a Session Description Protocol (SDP)” (col. 3/line 60 to col. 4/line 9 as SDP as one of numerous protocols is used).

As for claims 19, Holden further discloses “wherein said announcement comprises an identifier for said metadata”, i.e., the announcement comprising with its header containing IDs for destination and source address and Call ID (Fig. 3 and col. 6/line 54 to col. 7/line 10).

Regarding claims 20, Holden further disclose “wherein said identifier comprises a Universally Unique Identifier (UUID)”, i.e., a Universal Resource Identifier or URI served an exact same purpose as the claiming UUID of the present application (Fig. 3, and col. 6/line 5-31 for UDP/IP protocols). A universal resource locator or an URL such as www.uspto.gov is an example of a GUID or UUID. Holden suggests that the system includes a network of computer systems using protocols such as TCP/IP & UPD/IP for exchanging information as well as HTML & XML documents (col. 8/line 63 to col. 9/line 5), and UUID as mentioned is a part of TCP/IP protocol.

As for claims 21 & 22, Holden discloses the announcement comprising a network address and a port for a database having stored therein said metadata and the network address comprises an IP address (Figs. 2 & 3, and col. 6/lines 5-31).

As for claims 23, Holden further discloses “wherein said logic circuit transmits said metadata after said announcement has been transmitted”, i.e., after notifying the receiver SIP at step 342, and if the invitation is OK with an ACK (acknowledgement), the media data can be transmitted at RTP set up step 352 (Fig. 4, and col. 8/lines 7-20).

As for claims 31-32 and 35, these claims are rejected for the reasons given in the scope of claims 17-23 as discussed in details above, not limited to the cited paragraphs but also to the entire reference of Holden.

Claim Rejections - 35 USC 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden (U.S. Patent 6,771,639 B1).

Regarding claim 25, Holden discloses “a machine readable medium comprising a software routine to cause a logic circuit to transmit an announcement including a first attribute to announce metadata that provides information about at least one available video program or enhancement for receiving at a client receiver and a second attribute to identify a network address and a port of a location containing said metadata” (see claim 17 above, with Fig. 3 for network addresses of the SIP network element devices, and URI identifying the port of location).

In addition to claim 25, Holden does not disclose “wherein said announcement is compliant with an Advanced Television Enhanced Forum (ATVEF) standard”; however, the Examiner takes Official Notice that this is not a novel issue since the Applicants basically apply the present claiming system to comply to a standard which already developed by others, namely the ATVEF, also admitted in the present specifications, which develops standards for television and Internet sometime in the early 1999 or earlier. In addition, Holden discloses that Holden’s system is fully compliant with IETF specifications (col. 1/lines 40-56); and IETF refers to Internet Engineering Task Force, or a forum where engineers and programmers have cooperated for solving programs of Internet’s phenomenon growth with standards including Dynamic Host Configuration Protocol (DHCP), IPv6, Lightweight Director Access (LDAP) and MultiProtocol Label Service (MPLS) and so on; while ATVEF is simply referred to standards of an industry group for future combination of the Internet content with broadcast television using IP, HTML and Java Script (Newton’s Telecomm. Dictionary).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Holden’ system with Holden’s suggestion of compliant to Internet standards with a known standard as of the ATVEF Group for combination of the Internet and the television in order to comply with this standard for communicating between servers and clients using the television and Internet systems.

As for claims 26-30, these claims are rejected for the reasons given in the scope of claims 18-23 as discussed in details above.

Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB
April 15, 2005



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611